

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

FREDERICK GRAY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-10-1350-F
)	
JHCC SGT. GREGORY RITTER, et al.,)	
)	
Defendants.)	

ORDER

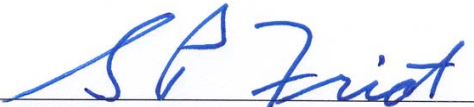
Plaintiff Frederick Gray, a state inmate appearing *pro se*, has sued various prison officials under 42 U.S.C. § 1983. The August 1, 2011, Report and Recommendation of Magistrate Judge Robert E. Bacharach (doc. no. 34) recommends that defendants' motion for summary judgment (doc. no. 22) be granted. Defendants' motion for summary judgment is based on failure to exhaust administrative remedies, and defendants' move for dismissal under 42 U.S.C. § 1997e(a) on that basis. (Additionally, the court notes that plaintiff never responded to the motion.) The Report further advised that any objection to the Report must be filed by August 18, 2011, and that failure to timely object would foreclose appellate review of the suggested ruling. No objection to the Report has been filed, and no request for an extension of time within to file such an objection has been sought.

Having conducted its own review, and with there being no objection, the court finds that it agrees with the Report. It further finds that no purpose would be served by stating any further analysis here.

Accordingly, the Report and Recommendation of Magistrate Judge Bacharach is **ACCEPTED, ADOPTED** and **AFFIRMED** in its entirety. Defendants' motion for summary judgment is **GRANTED** to the following extent. This action is hereby

DISMISSED without prejudice for failure to exhaust administrative grievance procedures.

Dated this 31st day of August, 2011.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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